

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BUFFALO XEROGRAPHIX INC.,
for itself and on behalf of a class of
similarly situated policyholders,
Plaintiffs,

- v -

SENTINEL INSURANCE COMPANY, LTD.;
THE HARTFORD INSURANCE GROUP a/k/a
THE HARTFORD FINANCIAL SERVICES
GROUP, INC.;
HARTFORD FIRE INSURANCE COMPANY;
HARTFORD ACCIDENT AND INDEMNITY
COMPANY;
HARTFORD CASUALTY INSURANCE
COMPANY;
HARTFORD INSURANCE COMPANY
OF ILLINOIS;
HARTFORD INSURANCE COMPANY
OF THE MIDWEST;
HARTFORD UNDERWRITERS INSURANCE
COMPANY;
NEW ENGLAND INSURANCE COMPANY;
NEW ENGLAND REINSURANCE
CORPORATION;
PACIFIC INSURANCE COMPANY, LIMITED;
PROPERTY AND CASUALTY INSURANCE
COMPANY OF HARTFORD;
TRUMBULL INSURANCE COMPANY; and
TWIN CITY FIRE INSURANCE COMPANY
Defendants.

STIPULATION

No. 20-cv-00520

WHEREAS, on April 29, 2020 Plaintiff Buffalo Xerographix Inc. (“Plaintiff”), for itself and as a representative of a proposed class of plaintiff policy holders, filed a Summons and Complaint against Defendants Sentinel Insurance Company, Ltd. (“Sentinel”), The Hartford Insurance Group a/k/a The Hartford Financial Services Group, Inc. (“HIG”), Hartford Fire

Insurance Company (“Hartford Fire”), Hartford Accident and Indemnity Company (“Hartford Accident”), Hartford Casualty Insurance Company (“Hartford Casualty”), Hartford Insurance Company of Illinois (“Hartford Illinois”), Hartford Insurance Company of the Midwest (“Hartford Midwest”), Hartford Underwriters Insurance Company (“Hartford Underwriters”), New England Insurance Company (“New England”), New England Reinsurance Corporation (“New England Reinsurance”), Pacific Insurance Company, Limited (“Pacific”), Property and Casualty Insurance Company of Hartford (“Hartford Property”), Trumbull Insurance Company (“Trumbull”), and Twin City Fire Insurance Company (“Twin City”) (each of the foregoing being a “Defendant” and collectively the “Defendants”); and

WHEREAS, on July 1, 2020, Defendant Sentinel filed an Answer to the Complaint; and

WHEREAS, on July 1, 2020, Defendants HIG, Hartford Fire, Hartford Accident, Hartford Casualty, Hartford Illinois, Hartford Midwest, Hartford Underwriters, New England, New England Reinsurance, Pacific, Hartford Property, Trumbull, and Twin City (collectively the “Moving Defendants”) moved to dismiss the Complaint as against them, filed as Docket Nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50; and

WHEREAS, plaintiff has the right to amend its Complaint within twenty-one days of July 1, 2020 pursuant to Federal Rules of Civil Procedure (“FRCP”) 15;

WHEREAS, the parties mutually desire limiting pre-answer motion practice by means of which parties reserve their respective rights and defenses,

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the above-entitled action, that pursuant to FRCP 15 and 21 Plaintiff shall file an amended complaint on or before August 13, 2020 which, among other things, will add named plaintiffs and continue causes of action against defendants

Sentinel, HIG, Hartford Casualty and Hartford Midwest; and

IT IS FURTHER STIPULATED AND AGREED, that pursuant to FRCP Rule 41, the causes of action against defendants Hartford Fire, Hartford Accident, Hartford Illinois, Hartford Underwriters, New England, New England Reinsurance, Pacific, Hartford Property, Trumbull, and Twin City are dismissed without prejudice; and

IT IS FURTHER STIPULATED AND AGREED, that defendants' motions to dismiss, filed as Docket Nos. 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 and 50 are withdrawn without prejudice; and

IT IS FURTHER STIPULATED AND AGREED that defendants shall answer or move with respect to the First Amended Complaint on or before September 17, 2020.

Dated: July 21, 2020
Buffalo, New York

**DUKE HOLZMAN PHOTIADIS
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SO ORDERED.

Hon. Geoffrey Crawford
United State District Court Judge